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Acharya 18-18-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): S. Acharya et al.
Case: 18-18-18
Serial No.: 10/659,757
Filing Date: September 10, 2003
Group: 2127
Examiner: Kenneth Tang

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Signature: *[Handwritten Signature]* Date: September 28, 2004

Title: Adaptive Scheduling of Data
Delivery in a Central Server

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 28, 2004 in the above-identified application, please consider the remarks below:

REMARKS

The present application was filed on September 10, 2003 with claims 1-26. Claims 1-26 remain pending. Claims 1, 25 and 26 are the pending independent claims.

In the outstanding Office Action dated June 28, 2004, the Examiner: (i) rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 5 of U.S. Patent No. 6,502,062 (hereinafter "Acharya") in view of U.S. Patent No. 5,261,099 (hereinafter "Bigo"); and (ii) rejected claims 1-4, 18, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,338,130 (hereinafter "Sinibaldi") in view of Bigo.

In this response, Applicants traverse the double patenting and §103(a) rejections. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Applicants acknowledge the indication of allowable subject matter in claims 5-17 and 19-24.